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SENATE BILL 6600

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State of Washington

54th Legislature

1996 Regular Session

By Senators McCaslin, Haugen, Winsley, Hale, Sheldon, Snyder, Wood, McAuliffe, Finkbeiner, Rinehart, Pelz, Franklin, Spanel, Smith, Drew, Sutherland, Fraser and Rasmussen

Read first time 01/18/96. Referred to Committee on Government Operations.

1 AN ACT Relating to residential real estate disclosure; and amending  
2 RCW 64.06.020.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 64.06.020 and 1994 c 200 s 3 are each amended to read  
5 as follows:

6 (1) In a transaction for the sale of residential real property, the  
7 seller shall, unless the buyer has expressly waived the right to  
8 receive the disclosure statement, or unless the transfer is exempt  
9 under RCW 64.06.010, deliver to the buyer a completed real property  
10 transfer disclosure statement in the following form:

11 INSTRUCTIONS TO THE SELLER

12 Please complete the following form. Do not leave any spaces blank. If  
13 the question clearly does not apply to the property write "NA". If the  
14 answer is "yes" to any \* items, please explain on attached sheets.  
15 Please refer to the line number(s) of the question(s) when you provide  
16 your explanation(s). For your protection you must date and sign each  
17 page of this disclosure statement and each attachment. Delivery of the  
18 disclosure statement must occur not later than . . . days (or five days

1 if not filled in) of mutual acceptance of a written contract to  
2 purchase between a buyer and a seller.

3 NOTICE TO THE BUYER

4 THE FOLLOWING DISCLOSURES ARE MADE BY THE SELLER(S), CONCERNING THE  
5 CONDITION OF THE PROPERTY LOCATED AT . . . . .  
6 ("THE PROPERTY"), LEGALLY DESCRIBED ON ATTACHED EXHIBIT A.

7 DISCLOSURES CONTAINED IN THIS FORM ARE PROVIDED BY THE SELLER ON THE  
8 BASIS OF SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME THIS  
9 DISCLOSURE FORM IS COMPLETED BY THE SELLER. YOU HAVE . . . BUSINESS  
10 DAYS, OR THREE BUSINESS DAYS IF NOT FILLED IN, FROM THE SELLER'S  
11 DELIVERY OF THIS SELLER'S DISCLOSURE STATEMENT TO REVOKE YOUR OFFER BY  
12 DELIVERING YOUR SEPARATE SIGNED WRITTEN STATEMENT OF REVOCATION TO THE  
13 SELLER, UNLESS YOU WAIVE THIS RIGHT AT OR PRIOR TO ENTERING INTO A SALE  
14 AGREEMENT. THE FOLLOWING ARE DISCLOSURES MADE BY THE SELLER AND ARE  
15 NOT THE REPRESENTATIONS OF ANY REAL ESTATE LICENSEE OR OTHER PARTY.  
16 THIS INFORMATION IS FOR DISCLOSURE ONLY AND IS NOT INTENDED TO BE A  
17 PART OF ANY WRITTEN AGREEMENT BETWEEN THE BUYER AND THE SELLER.

18 FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS  
19 PROPERTY YOU ARE ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF A  
20 QUALIFIED SPECIALIST TO INSPECT THE PROPERTY ON YOUR BEHALF, FOR  
21 EXAMPLE, ARCHITECTS, ENGINEERS, LAND SURVEYORS, PLUMBERS, ELECTRICIANS,  
22 ROOFERS, BUILDING INSPECTORS, OR PEST AND DRY ROT INSPECTORS. FOR MORE  
23 INFORMATION ABOUT ZONING AND LAND USE RULES AFFECTING THE PROPERTY YOU  
24 MAY WISH TO CONTACT THE APPROPRIATE CITY AND/OR COUNTY. THE  
25 PROSPECTIVE BUYER AND THE OWNER MAY WISH TO OBTAIN PROFESSIONAL ADVICE  
26 OR INSPECTIONS OF THE PROPERTY AND TO PROVIDE FOR APPROPRIATE  
27 PROVISIONS IN A CONTRACT BETWEEN THEM WITH RESPECT TO ANY ADVICE,  
28 INSPECTION, DEFECTS OR WARRANTIES.

29 Seller . . . . is/ . . . . is not occupying the property.

30 I. SELLER'S DISCLOSURES:

31 \*If "Yes" attach a copy or explain. If necessary use an attached  
32 sheet.

33 1. TITLE

34 [ ]Yes [ ]No [ ]Don't know A. Do you have legal authority to sell  
35 the property?

1 [ ]Yes [ ]No [ ]Don't know \*B. Is title to the property subject to  
2 any of the following?  
3 (1) First right of refusal  
4 (2) Option  
5 (3) Lease or rental agreement  
6 (4) Life estate?

7 [ ]Yes [ ]No [ ]Don't know \*C. Are there any encroachments,  
8 boundary agreements, or boundary  
9 disputes?

10 [ ]Yes [ ]No [ ]Don't know \*D. Are there any rights of way,  
11 easements, or access limitations that  
12 may affect the owner's use of the  
13 property?

14 [ ]Yes [ ]No [ ]Don't know \*E. Are there any written agreements  
15 for joint maintenance of an easement or  
16 right of way?

17 [ ]Yes [ ]No [ ]Don't know \*F. Is there any study, survey project,  
18 or notice that would adversely affect  
19 the property?

20 [ ]Yes [ ]No [ ]Don't know \*G. Are there any pending or existing  
21 assessments against the property?

22 [ ]Yes [ ]No [ ]Don't know \*H. Are there any zoning violations,  
23 nonconforming uses, or any unusual  
24 restrictions on the subject property  
25 that would affect future construction  
26 or remodeling?

27 [ ]Yes [ ]No [ ]Don't know \*I. Is there a boundary survey for the  
28 property?

29 [ ]Yes [ ]No [ ]Don't know \*J. Are there any covenants,  
30 conditions, or restrictions which  
31 affect the property?

32 [ ]Yes [ ]No [ ]Don't know \*K. Have you ever been denied a permit  
33 to build a structure on the property,  
34 remodel an existing structure, or make  
35 landscaping changes on the property?

36 [ ]Yes [ ]No [ ]Don't know \*L. Do you know the basic zoning for  
37 the property?

38 **2. WATER**

39 A. Household Water

(1) The source of the water is  
[ ]Public [ ]Community [ ]Private  
[ ]Shared

(2) Water source information:

\*a. Are there any written agreements for shared water source?

\*b. Is there an easement (recorded or unrecorded) for access to and/or maintenance of the water source?

\*c. Are any known problems or repairs needed?

\*d. Does the source provide an adequate year round supply of potable water?

\*(3) Are there any water treatment systems for the property?  
[ ]Leased [ ]Owned

**B. Irrigation**

(1) Are there any water rights for the property?

\*(2) If they exist, to your knowledge, have the water rights been used during the last five-year period?

\*(3) If so, is the certificate available?

**C. Outdoor Sprinkler System**

(1) Is there an outdoor sprinkler system for the property?

\*(2) Are there any defects in the outdoor sprinkler system?

**3. SEWER/SEPTIC SYSTEM**

A. The property is served by:  
[ ]Public sewer main, [ ]Septic tank system [ ]Other disposal system (describe)

.....

1 [ ]Yes [ ]No [ ]Don't know

B. If the property is served by a public or community sewer main, is the house connected to the main?

2  
3  
4  
5

C. If the property is connected to a septic system:

6 [ ]Yes [ ]No [ ]Don't know

(1) Was a permit issued for its construction, and was it approved by the city or county following its construction?

7  
8  
9

(2) When was it last pumped:

10  
11

. . . . . , 19. . .

12 [ ]Yes [ ]No [ ]Don't know

\*(3) Are there any defects in the operation of the septic system?

13

[ ]Don't know

(4) When was it last inspected?

14  
15

. . . . . , 19. . .

16

By Whom: . . . . .

17 [ ]Don't know

(5) How many bedrooms was the system approved for?

18  
19

. . . . . bedrooms

20 [ ]Yes [ ]No [ ]Don't know

\*D. Do all plumbing fixtures, including laundry drain, go to the septic/sewer system? If no, explain: . . . . .

21  
22

23 [ ]Yes [ ]No [ ]Don't know

\*E. Are you aware of any changes or repairs to the septic system?

24

25 [ ]Yes [ ]No [ ]Don't know

F. Is the septic tank system, including the drainfield, located entirely within the boundaries of the property?

26  
27

**4. STRUCTURAL**

29 [ ]Yes [ ]No [ ]Don't know

\*A. Has the roof leaked?  
If yes, has it been repaired?

30 [ ]Yes [ ]No [ ]Don't know

31 [ ]Yes [ ]No [ ]Don't know

\*B. Have there been any conversions, additions, or remodeling?

32

33 [ ]Yes [ ]No [ ]Don't know

\*1. If yes, were all building permits obtained?

34

35 [ ]Yes [ ]No [ ]Don't know

\*2. If yes, were all final inspections obtained?

36

37 [ ]Yes [ ]No [ ]Don't know

C. Do you know the age of the house?  
If yes, year of original construction:

38

. . . . .

39

1 [ ]Yes [ ]No [ ]Don't know \*D. Do you know of any settling,  
2 slippage, or sliding of the house or  
3 other improvements? If yes, explain:  
4 . . . . .

5 [ ]Yes [ ]No [ ]Don't know \*E. Do you know of any defects with the  
6 following: (Please check applicable  
7 items)

- |    |  |   |   |
|----|--|---|---|
| 8  | <input type="checkbox"/> Foundations   | <input type="checkbox"/> Decks          | <input type="checkbox"/> Exterior Walls |
| 9  | <input type="checkbox"/> Chimneys      | <input type="checkbox"/> Interior Walls | <input type="checkbox"/> Fire Alarm     |
| 10 | <input type="checkbox"/> Doors         | <input type="checkbox"/> Windows        | <input type="checkbox"/> Patio          |
| 11 | <input type="checkbox"/> Ceilings      | <input type="checkbox"/> Slab Floors    | <input type="checkbox"/> Driveways      |
| 12 | <input type="checkbox"/> Pools         | <input type="checkbox"/> Hot Tub        | <input type="checkbox"/> Sauna          |
| 13 | <input type="checkbox"/> Sidewalks     | <input type="checkbox"/> Outbuildings   | <input type="checkbox"/> Fireplaces     |
| 14 | <input type="checkbox"/> Garage Floors |   | <input type="checkbox"/> Walkways       |
| 15 | <input type="checkbox"/> Other         |   | <input type="checkbox"/> Wood Stoves    |

16 [ ]Yes [ ]No [ ]Don't know \*F. Was a pest or dry rot, structural  
17 or "whole house" inspection done? When  
18 and by whom was the inspection  
19 completed? . . . . .

20 [ ]Yes [ ]No [ ]Don't know \*G. Since assuming ownership, has your  
21 property had a problem with wood  
22 destroying organisms and/or have there  
23 been any problems with pest control,  
24 infestations, or vermin?

25 **5. SYSTEMS AND FIXTURES**

26 If the following systems or fixtures  
27 are included with the transfer, do they  
28 have any existing defects:

29 [ ]Yes [ ]No [ ]Don't know \*A. Electrical system, including  
30 wiring, switches, outlets, and service

31 [ ]Yes [ ]No [ ]Don't know \*B. Plumbing system, including pipes,  
32 faucets, fixtures, and toilets

33 [ ]Yes [ ]No [ ]Don't know \*C. Hot water tank

34 [ ]Yes [ ]No [ ]Don't know \*D. Garbage disposal

35 [ ]Yes [ ]No [ ]Don't know \*E. Appliances

36 [ ]Yes [ ]No [ ]Don't know \*F. Sump pump

37 [ ]Yes [ ]No [ ]Don't know \*G. Heating and cooling systems

1 [ ]Yes [ ]No [ ]Don't know \*H. Security system [ ] Owned [ ]  
2 Leased  
3 \*I. Other . . . . .

4 **6. COMMON INTEREST**

5 [ ]Yes [ ]No [ ]Don't know A. Is there a Home Owners' Association?  
6 Name of Association . . . . .

7 [ ]Yes [ ]No [ ]Don't know B. Are there regular periodic  
8 assessments:  
9 \$ . . . . . per [ ] Month [ ] Year  
10 [ ] Other . . . . .

11 [ ]Yes [ ]No [ ]Don't know \*C. Are there any pending special  
12 assessments?

13 [ ]Yes [ ]No [ ]Don't know \*D. Are there any shared "common areas"  
14 or any joint maintenance agreements  
15 (facilities such as walls, fences,  
16 landscaping, pools, tennis courts,  
17 walkways, or other areas co-owned in  
18 undivided interest with others)?

19 **7. GENERAL**

20 [ ]Yes [ ]No [ ]Don't know \*A. Is there any settling, soil,  
21 standing water, or drainage problems on  
22 the property?

23 [ ]Yes [ ]No [ ]Don't know \*B. Does the property contain fill  
24 material?

25 [ ]Yes [ ]No [ ]Don't know \*C. Is there any material damage to the  
26 property or any of the structure from  
27 fire, wind, floods, beach movements,  
28 earthquake, expansive soils, or  
29 landslides?

30 [ ]Yes [ ]No [ ]Don't know D. Is the property in a designated  
31 flood plain?

32 [ ]Yes [ ]No [ ]Don't know E. Is the property in a designated  
33 flood hazard zone?

34 [ ]Yes [ ]No [ ]Don't know \*F. Are there any substances,  
35 materials, or products that may be an  
36 environmental hazard such as, but not  
37 limited to, asbestos, formaldehyde,  
38 radon gas, lead-based paint, fuel or

1 chemical storage tanks, and  
2 contaminated soil or water on the  
3 subject property?

4  Yes  No  Don't know \*G. Are there any tanks or underground  
5 storage tanks (e.g., chemical, fuel,  
6 etc.) on the property?

7  Yes  No  Don't know \*H. Has the property ever been used as  
8 an illegal drug manufacturing site?

9 **8. FULL DISCLOSURE BY SELLERS**

10 A. Other conditions or defects:

11  Yes  No  Don't know \*Are there any other material defects  
12 affecting this property or its value  
13 that a prospective buyer should know  
14 about?

15 B. Verification:

16 The foregoing answers and attached  
17 explanations (if any) are complete and  
18 correct to the best of my/our knowledge  
19 and I/we have received a copy hereof.  
20 I/we authorize all of my/our real  
21 estate licensees, if any, to deliver a  
22 copy of this disclosure statement to  
23 other real estate licensees and all  
24 prospective buyers of the property.

25 DATE . . . . . SELLER . . . . . SELLER . . . . .

26 **II. BUYER'S ACKNOWLEDGMENT**

27 A. As buyer(s), I/we acknowledge the duty to pay  
28 diligent attention to any material defects which  
29 are known to me/us or can be known to me/us by  
30 utilizing diligent attention and observation.

31 B. Each buyer acknowledges and understands that the  
32 disclosures set forth in this statement and in  
33 any amendments to this statement are made only by  
34 the seller.

35 C. Buyer (which term includes all persons signing  
36 the "buyer's acceptance" portion of this  
37 disclosure statement below) hereby acknowledges  
38 receipt of a copy of this disclosure statement

1 (including attachments, if any) bearing seller's  
2 signature.

3 DISCLOSURES CONTAINED IN THIS FORM ARE PROVIDED BY THE SELLER ON THE  
4 BASIS OF SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME OF  
5 DISCLOSURE. YOU, THE BUYER, HAVE . . . BUSINESS DAYS (OR THREE  
6 BUSINESS DAYS IF NOT FILLED IN) FROM THE SELLER'S DELIVERY OF THIS  
7 SELLER'S DISCLOSURE STATEMENT TO REVOKE YOUR OFFER BY DELIVERING YOUR  
8 SEPARATE SIGNED WRITTEN STATEMENT OF REVOCATION TO THE SELLER UNLESS  
9 YOU WAIVE THIS RIGHT OF REVOCATION.

10 BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS REAL PROPERTY  
11 TRANSFER DISCLOSURE STATEMENT AND ACKNOWLEDGES THAT THE DISCLOSURES  
12 MADE HEREIN ARE THOSE OF THE SELLER ONLY, AND NOT OF ANY REAL ESTATE  
13 LICENSEE OR OTHER PARTY.

14 DATE . . . . . BUYER . . . . . BUYER . . . . .

15 (2) The real property transfer disclosure statement shall be for  
16 disclosure only, and shall not be considered part of any written  
17 agreement between the buyer and seller of residential real property.  
18 The real property transfer disclosure statement shall be only a  
19 disclosure made by the seller, and not any real estate licensee  
20 involved in the transaction, and shall not be construed as a warranty  
21 of any kind by the seller or any real estate licensee involved in the  
22 transaction.

--- END ---